

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

<b>TERENCE ALEX STEWART, 09068181,</b>	§	
	§	
Plaintiff,	§	
v.	§	Civil Action No. <b>3:09-CV-2404-L</b>
	§	
<b>LUPE VALDEZ, et al.,</b>	§	
	§	
Defendants.	§	

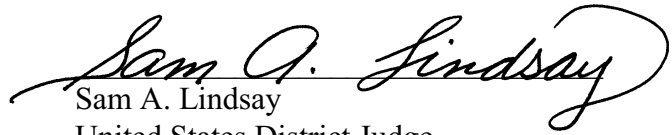
**ORDER**

Plaintiff filed his complaint in this civil rights action pursuant to 42 U.S.C. § 1983 on December 17, 2009. The case was referred to Magistrate Judge Paul D. Stickney pursuant to Special Order 3-251 and the provisions of 28 U.S.C. § 636(b). On May 18, 2010, the magistrate judge issued entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”). Plaintiff filed no objections to the Report.

The magistrate judge recommends that the court dismiss this action with prejudice as frivolous. Plaintiff, who was confined in the Dallas County Jail at the time he filed his complaint, contends that his constitutional rights were violated because the jail’s law library contained out of date legal materials. Specifically, Plaintiff argues that he was prejudiced because such materials prevented him from adequately challenging his criminal charges. The magistrate judge found that Plaintiff is no longer confined in the jail and that he has shown no prejudice in his ability to pursue challenges to his criminal charges. As a practical matter, the court determines that if Plaintiff is no longer confined in jail, then he is no longer resigned to using the alleged out of date legal materials of the jail’s law library. The court therefore agrees with the magistrate judge that this action is frivolous and should be dismissed.

Having reviewed the filings, record, applicable law, and Report in this case, the court **determines** that the magistrate judge's findings and conclusions are correct. They are therefore **accepted** as those of the court. Accordingly, the court **dismisses with prejudice** this action as frivolous. A judgment will issue by separate document pursuant to Rule 58 of the Federal Rules of Civil Procedure.

**It is so ordered** this 4th day of June, 2010.

  
Sam A. Lindsay  
United States District Judge